

San Francisco Bay Conservation and Development Commission

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TO: All Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdc.ca.gov)

Sharon Louie, Director, Administrative & Technology Services (415/352-3638; sharon.louie@bcdc.ca.gov)

SUBJECT: Approved Minutes of November 5, 2015 Commission Meeting

1. **Call to Order.** The meeting was called to order by Acting Chair Halsted at the Ferry Building, Port of San Francisco Board Room, Second Floor, San Francisco, California at 1:03 p.m.

2. **Roll Call.** Present were: Acting Chair Halsted, Commissioners Addiego, Bates, Gibbs, Gioia, Lucchesi (represented by Alternate Pemberton), McGrath, Nelson, Pine (arrived at 1:28 p.m.), Randolph, Sartipi (represented by Alternate McElhinney – arrived at 1:10 p.m.), Sears (represented by Alternate Connolly), Sperling (represented by Alternate Vasquez), Techel, Wagenknecht (represented by Alternate Caldwell), Ziegler (arrived at 1:12 p.m.) and Zwissler.

Acting Chair Halsted announced that a quorum was present.

Not present were Commissioners: Alameda County (Chan), Santa Clara County (Cortese), Secretary for Resources (DeLaRosa), Department of Finance (Finn), Sonoma County (Gorin), Governor (Wasserman), U.S. Army Corps of Engineers (Hicks), City and County of San Francisco (Kim).

3. **Public Comment Period.** Acting Chair Halsted called for public comment on subjects that were not on the agenda.

There was one public speaker.

Mr. Hunter Cutting addressed the Commission: I live here in San Francisco. I want to put a project on your radar screen. This is a project that could come to your well-conceived but right now is headed to you as a problem.

This project is being proposed for Treasure Island for Clipper Cove. A consortium of private developers is proposing to close off most of Clipper Cove and convert it into a privately-operated marina dedicated almost entirely to large yachts and sailing vessels.

I am inclined to be sympathetic to this proposal because I grew up sailing in the Northern California. Because I sail on the Bay I know that what the developers are proposing to do is sacrifice one of the most valuable, open-water resources we have for sailing in the entire Bay Area.

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I have a map I would like to share with you (Mr. Cutting showed the Commission a map of the area he was talking about). This is a map of Treasure Island and Yerba Buena Island. You can see Clipper Cove here on this map.

This is a developer drawing that they proposed in the spring of this year. You can see that they are closing off most of the Cove from recreational sailing.

There is an existing marina there right now. This is where the Olympic sailing trials were held in 1999. This is where the V15 National Championships were held this year. This is where the high schools hold their annual regattas.

This is where the collegiates hold their regattas. And most importantly, this is where the Treasure Island Sailing Center takes kids to learn how to sail.

This is the only place outside of a private yacht club where a kid can learn how to sail. Each year they take more than 2,000 kids onto the water there.

It is a very special location with a magic combination of flat water and good wind which is why the marina wants to be there but it also why there is not anything like it anywhere in the Bay.

It does not make sense to sacrifice this location. This raises the question as to why such a spectacularly bad idea has gotten so far in the process. The short answer is politics. The process is broken.

We are operating under an environmental impact report that was certified over a decade ago and does not account for the current public use of the Cove.

It is legally stale but more importantly it is just bad policy making. If it comes to you in this proposal we would ask you to not approve their application to close off the Cove.

Acting Chair Halsted moved to Approval of the Minutes.

4. Approval of Minutes of the September 17, 2015 Meeting. Acting Chair Halsted asked for a motion and a second to adopt the minutes of September 17, 2015.

MOTION: Commissioner McGrath moved approval of the Minutes, seconded by Commissioner Vasquez.

VOTE: The motion carried with a vote of 16-0-0 with Commissioners Addiego, Bates, Gibbs, Gioia, Pemberton, McGrath, Nelson, Randolph, McElhinney, Connolly, Vasquez, Techel, Caldwell, Ziegler, Zwissler and Acting Chair Halsted voting, "YES", no "NO", votes and no abstentions.

5. Report of the Chair. Acting Chair Halsted reported on the following:

a. New Business. Acting Chair Halsted asked: Does anyone have any new business to propose? (She received no comment).

b. Please note that we have a revised agenda, if you are here to hear about the ART Portfolio or the DWR WaterFix, those items has been postponed to later meetings.

c. This year is the 30th anniversary of the nonprofit Citizens for East Shore Parks, the group whose work to provide a park along the East Bay shoreline resulted in the McLaughlin Eastshore State Park. There is a resolution in your packets recognizing the work and contribution by the Citizens group. I would appreciate a motion and second to adopt the resolution.

MOTION: Commissioner Zwissler moved adoption of the resolution, seconded by Commissioner Addiego.

VOTE: The motion carried with a vote of 16-0-0 with Commissioners Addiego, Bates, Gibbs, Gioia, Pemberton, McGrath, Nelson, Randolph, McElhinney, Connolly, Vasquez, Techel, Caldwell, Ziegler, Zwissler and Acting Chair Halsted voting, "YES", no "NO", votes and no abstentions.

d. **Next BCDC Meeting.** We likely will not need to hold our November 19th meeting. At our December 3rd meeting, at the Port's Bayside Conference room nearby here on Pier 1, we may take up the following matters:

(1) We may hold a public hearing and vote on a Consistency Determination for the South Bay Shoreline Study that will also be the subject of Item 10 today.

(2) We will have a staff briefing on the ART Portfolio that we aren't hearing today.

(3) We will have a briefing on adaptation planning, by Kristina Hill and Bruce Riordan.

(4) We will have an update on our Strategic Plan.

e. **Ex-Parte Communications.** That completes my report. In case you have inadvertently forgotten to provide our staff with a report on any written or oral ex-parte communications, I invite Commissioners who have engaged in any such communications to report on them at this point. (Acting Chair Halsted received no comment).

She moved on to Item 6, Report of the Executive Director.

6. Report of the Executive Director. Executive Director Goldzband reported: What a few days we've had. A warm Halloween on Saturday, an inch of rain on Monday and a gorgeous breezy week that includes snow in Tahoe. On Halloween morning, when I read the comics, I was reminded of the wisdom of Linus van Pelt of Peanuts who said, "There are three things I have learned never to discuss with people: religion; politics; and, the Great Pumpkin." With all due respect to Linus, it might not be safe to talk about the weather this year -- we'll learn that we have some issues arising from it this winter later this meeting.

We have a lot of news to report. Since we last met, our fantastic senior permit analyst Ming Yeung has left us to become a planner for San Francisco – we shall miss her calm wisdom immensely. Michelle Levinson, whom you will remember as our part-time permit analyst who worked so much on Caltrans projects, now works for the Town of Fairfax – and that's a real loss for us. And, Estella Corona, BCDC's receptionist, has retired. Estella worked with us for about 19 years and she was always the first person to greet people when they came into our office or

when they called our main line. Many of you got to know Estella over the years. We shall miss her and we shall wish her well in her future endeavors. Meanwhile, you should know that you will now receive emails from “receptionist” at BCDC, not from Estella.

And, to top it off, our own Bob Batha – who has been a leader at BCDC for almost 40 years – has announced that he plans to retire on December 30th of this year. This means that, by year’s end, we shall have lost about 60 years of combined institutional permitting knowledge. Brad McCrea, our regulatory director, has circled the wagons to maintain our throughput, as we are now down two staff members of our five and soon will lose a third. The permit staff is dealing with applications from around the Bay, including port projects, wetland restoration projects, commercial developments, environmental cleanup projects, single-family home remodels, large mixed-use developments and everything in between. The regulatory crew likely won’t be up to maximum efficiency for at least three months as we hire new people, reassign projects based on experience and train them. Brad is performing triage on a daily basis so we will not miss any deadlines along the way. We are advising both current and future applicants to be patient as we work our way through this staffing shortage.

On the good news front, we have hired one more new staff member in the planning unit. Elizabeth Felter (stood and was recognized), who is working primarily on the ART program, earned her undergraduate degree in mathematics and applied sciences from UCLA (she’s a Bruin) and a Master’s degree in urban planning and policy from University of Illinois at Chicago, home of the Flames and Sparky D. Dragon. Before coming to BCDC, she was a NOAA Fellow working with the Coastal States Organization and the American Planning Association to write a guidance report on coastal planning. Elizabeth has also worked at a geospatial information systems consulting firm and at urban planning and policy think tanks in Chicago and San Francisco. You will remember that BCDC has a history of hiring very successful NOAA Fellows.

Also, I described to you at our last meeting the qualifications of two other new employees at our last meeting, Matthew Trujillo and Jhon Arbelaez (both stood and were recognized). They have started with us and we are excited by their prospects.

Finally, I want to introduce our newest intern. Ellen MacMillan is part of the La Escuela Nueva whose purpose is to provide computer and clerical training so that individuals can become prepared to work in office environments and to provide guidance regarding appropriate office behavior, work habits and job search techniques. Ellen started with us a couple weeks ago and we are fortunate to have her.

In addition to the list of regulatory projects that Brad gets to manage, I want to let you know that your Engineering Criteria Review Board recently reviewed both the Brooklyn Basin/Oak to 9th project and the proposed new San Francisco Ferry Terminal. The Design Review Board has examined that ferry terminal recently, along with one in Richmond, the new charter high school located at the Oracle campus in Redwood City, the Pier 70 Forest City development and Alameda Point. You can expect that each of these projects will find its way to a BCDC agenda in 2016.

I want to make sure that you are aware of a decision that I plan to make this week so that you can voice any reservations now about it. The permit you approved to authorize Caltrans to implode a Bay Bridge pier this month includes a provision that allows Caltrans to perform a single test in the Bay prior to the actual demolition. Caltrans has performed that test and has done so successfully. However, Caltrans also has delayed its implosion by a week to November 14th. To take advantage of this delay, which has nothing to do with last test, Caltrans has asked BCDC for permission to conduct one more test to further refine their process in the spirit of “measure twice, cut once.” The test would discharge a very small blasting cap near Pier E3 which would be attenuated by the bubble curtain that is already in place. The purpose of this test is to further ensure that the hydro-acoustic equipment that will be used to monitor the actual implosion operates properly. Caltrans has assured us that the test will not affect any structures or federal or state-listed species. The permit does not authorize such additional testing. I believe and the Chair believes that it is prudent to grant the request unless we hear otherwise from you today. Also, should all parties to this test implosion agree to discuss how Caltrans could use implosions in the future, we shall use these tests, findings and experiences to discuss how additional testing should be conducted prior to subsequent demolitions. If anybody has any concerns we would like to hear them now.

Commissioner Nelson had a question: So Caltrans is delaying the actual implosion by a week. I wanted to make sure that is well within the biological windows that the agencies have identified.

Executive Director Goldzband replied: The permit allows through the month of November.

Commissioner McGrath added to the conversation: I have no objection to additional testing. I do want to make sure that the Commission is briefed before any further measures. I think the one-time operation of this is something that made imminent sense to me. I do want to see the monitoring results before I sign off on future implosions.

Executive Director Goldzband added: We have already had those discussions with Caltrans both formally and informally and we cannot imagine coming to you without such results.

Regulatory Program Director Brad McCrea commented: As a matter of fact we put a special condition in the permit to require them to come back to the Commission and give a briefing after the event.

Commissioner Gioia spoke: We do not need further review to have the actual implosion to occur? You are not saying that.

Executive Director Goldzband replied: Correct.

Executive Director Goldzband continued his report: On another note, one of our goals is to foster greater coordination, collaboration and partnerships internally among staff from different parts of BCDC. Consequently, members of our Regulatory, Planning and Legal staffs have started a series of meetings to identify the range of environmental justice issues that could be potentially addressed by BCDC; the first meeting of this mélange of staff members

centered on a section of the McAteer-Petris Act that gives the Commission authority to raise environmental justice concerns. We have deliberately raised this issue as part of our Rising Bay project and we shall continue to work with our Steering Committee members to develop guidance and policy recommendations for the Commission's consideration.

Finally, I want to spend a minute describing what is inside that very large stack of clippings in front of you. The first document is a letter from the Director of NOAA congratulating BCDC on its anniversary. After that are two stories on our 50th Anniversary Summit and shoreline adaptation that appeared in the Chronicle and the Marin I-J. The next clipping is an op-ed written by Chair Wasserman and Barry Nelson describing BCDC's accomplishments during the past 50 years. I would like that to be required reading by all members. Finally, we also have attached several articles that appeared when the Baylands Habitat Goals update was released a couple weeks ago. We shall schedule a review of that update for the Commission in early 2016. We believe that the Bay Fills Working Group will have a review of that at its next meeting in a couple of weeks.

So that I may end on a positive note, I want to let you know that BCDC's bocce team which competes on the courts just across the Embarcadero is now unbeaten after five matches. The team, whose name is Bobby B. and the Shoreline Band, has defeated its archrival – the Coastal Commission – and will be seeded #1 in the upcoming playoffs.

That completes my report, Madame Chair and I am happy to answer any questions.

Commissioner McGrath had an augmentation: I want to make an announcement. We have always paid attention to alumni from the staff and Commission. Caitlin Sweeney, former chief deputy was just named as the Executive Officer of the Estuary Partnership that is responsible for the implementation of the comprehensive CCMP which is the Estuary Project's efforts to make sure that the Bay is restored.

I think that you should realize that we are out there seeding the world with people with a good perspective on protecting and saving the Bay.

Commissioner Gioia asked: Will there be an event for Bob Batha?

Executive Director Goldzband responded: There will be and we will let you know. Since Bob has been around for so long that we need to have something that is public. We shall do so and let you know.

7. Consideration of Administrative Matters. Acting Chair Halsted announced: Brad McCrea is here to answer any question you may have on the Administrative Listing.

Mr. McCrea replied: Before you ask questions I have one clarification; a correction, actually. On Agenda Item 7 mailed on October 23rd we sent you the administrative permits that were listed for your consideration. The first one was the applicant of the City of Sunnyvale. The project says to enhance approximately a quarter-mile section of the Bay Trail. We are going to remove that one from the Listing and resubmit it to you at a later date. It is not a controversial issue. The property documents were not adequate at this time. We will be coming back with this one later.

Acting Chair Halsted moved on to Item 8.

8. Commission Consideration of Information Technology Contract. Acting Chair Halsted announced: Item 8 is a Commission consideration of two contracts for Information Technology services. Andrew Chin will make the staff presentation.

Chief Information Officer Andrew Chin presented the following: The staff recommends that the Commission authorize the Executive Director to enter into two contracts with the combined annual amount not to exceed \$80,000.00.

The contracts are for IT consulting services and for an annual contract for the data hosting services by the California Natural Resources Agency's data center located in Sacramento, California.

Under AB 2408 state agencies were mandated to host all mission-critical and public-facing information technology applications and server refreshes in a cloud-based, fully redundant, tier-3 data center as designated by the California Technology Agency.

The result of this migration likely be will be positive for BCDC because it would meet mandates set forth in AB 2408 thus increasing flexibility, addressing disaster recovery, minimizing capital expenditures and providing an environmentally friendly solution.

The staff further recommends that the Commission authorize the Executive Director to One: Amend the contract as necessary including revisions, revising the amount or duration of the agreement so long as the amendment does not involve substantial changes in the services provided. Two: Enter into similar contracts in the future subject to the availability of funds given that the Commission has an ongoing need for IT consulting services and for data-hosting services.

Acting Chair Halsted asked: Are there questions from the Commission? (She received no questions) Is there a motion? Do I hear a motion?

MOTION: Commissioner Pemberton moved approval of the staff recommendation, seconded by Commissioner Nelson.

VOTE: The motion carried with a roll call vote of 17-0-0 with Commissioners Addiego, Bates, Gibbs, Gioia, Pemberton, McGrath, Nelson, Pine, Randolph, McElhinney, Connolly, Vasquez, Techel, Caldwell, Ziegler, Zwissler and Acting Chair Halsted voting, "YES", no "NO", votes and no abstentions.

9. Consideration of a Contract. Acting Chair Halsted announced: Item 9 is Commission consideration of a contract with the Association of Bay Area Governments to compensate BCDC for work on hazard mitigation and climate adaptation planning. Lindy Lowe will make the staff presentation.

Senior Planner Lindy Lowe presented the following: Item 9 is a staff recommendation that would authorize the Executive Director to execute a contract with the Association of Bay Area Governments to provide up to \$15,000.00 over several months for the Commission's Adapting to Rising Tides Program's staff to support ABAG's Federal Emergency Management Administration's funded regional resilience work.

Over the last nine months ABAG and BCDC staff have been working together to integrate hazard mitigation and climate adaptation planning and have been presenting this work to local jurisdictions in a series of meetings around the Bay Area and some of these meetings were probably in your counties.

This effort entitled, Bay Area Hazard Mitigation and Climate Adaptation Planning brought ABAG's Resilience Program and BCDC's ART Program together to develop processes, methods and tools to assist local jurisdictions and organizations in designing plans and implementation approaches that address mitigation and adaptation in a more integrated manner.

Specifically, this contract will include staff assistance to refine the data tools and exercises that BCDC and ABAG staff developed together for the Bay Area hazard mitigation and climate adaptation planning process funded by FEMA. The contract will provide for the development of a day-long workshop entitled, "Future Land Use Planning for Smart, Safe and Sustainable Growth" designed to assist local governments and others to combine hazard mitigation and climate adaptation to build community and regional resilience and document the lessons learned from administering the workshop and make it more effective and replicable around the region and beyond.

The work conducted under this contract also builds upon and supports other ongoing and completed ABAG and BCDC work, both separate and collaborative projects that are aimed at understanding and responding to the risks faced by the region due to current and future flooding and other hazards including earthquakes.

This contract also builds upon the successful partnership that has been developed between the Commission's ART Program staff and ABAG's Resilience Program with our federal partners at FEMA and the Environmental Protection Agency that have been working very closely with us on these efforts.

The staff also recommends that the Commission authorize the Executive Director to amend the contract as long as the amendment does not involve substantial changes in either the scope or amount of the contract. Thank you.

Acting Chair Halsted inquired: Are there questions from the Commission? (She received no questions) Is there a motion?

MOTION: Commissioner Gibbs moved approval of the staff recommendation, seconded by Commissioner Pine.

VOTE: The motion carried with a roll call vote of 17-0-0 with Commissioners Addiego, Bates, Gibbs, Gioia, Pemberton, McGrath, Nelson, Pine, Randolph, McElhinney, Connolly, Vasquez, Techel, Caldwell, Ziegler, Zwissler and Acting Chair Halsted voting, "YES", no "NO", votes and no abstentions.

Acting Chair Halsted moved on to Item 10.

10. Commission Consideration of Support for the South Bay Levee Project. Acting Chair Halsted announced: Item 10 is Commission consideration of a letter of support for the proposal by the Coastal Conservancy and the U.S. Army Corps of Engineers to build a series of engineered levees in the South Bay to provide flood protection. Brad McCrea will provide the briefing.

Mr. McCrea addressed the Commission: On September 17th the Commission received a briefing on the South San Francisco Bay Shoreline Study being proposed by the California Coastal Conservancy, the Santa Clara Water District and the U.S. Army Corps of Engineers which would provide flood risk management ecosystem restoration and recreational opportunities.

You discussed options at that meeting to assist the project proponents to receive Congressional authorization. Some of the options that were discussed included a full consistency determination or a phased consistency determination as well as a letter of support from the Commission regarding the proposed development.

The BCDC staff believes that the letter that you received in your packet would allow the Army Corps to continue working on the development proposal and still reserves the Commission's ability to formally consider a consistency determination.

In addition to the letter that we drafted for your consideration, the Army Corps last week submitted a phased consistency determination on October 30th. That was on direction from Washington Headquarters.

Staff has begun to review the submittal but there is some risk that the consistency review process may not conclude, as needed by the Army Corps, prior to the December deadline for a Chief's Report which is the final administrative action prior to a Congressional authorization.

Therefore, the staff believes that the support letter has some independent utility for representing to the Administration that progress has been made on CZMA coordination. In short, we are going to do both.

Therefore, the staff recommends that the Commission authorize the Chair to sign the attached letter with any minor revisions as needed for clarity and accuracy.

We did receive one comment from the public. Jill Singleton of Cargill asked that we put three words and one hyphenated word on page two of the letter.

Page two of the letter in the first paragraph begins, "The Bay Plan encourages converting salt ponds to tidal and sub-tidal habitat. . . ." Cargill has asked that we say, "The Bay Plan encourages converting publicly owned and non-operational salt ponds to tidal and sub-tidal habitats. . . ."

This is more accurate.

So with that, our recommendation is to direct the Chair to sign the letter and that would then be forwarded to the Army Corps in Washington.

Acting Chair Halsted stated: We did not schedule a public hearing on this matter, but if anyone from the public wants to comment, you are welcome to do so at this time. Is there anyone who would like to speak on it? (No comment was received from the public) We would like to hear from the Commissioners.

Commissioner Nelson commented: I just want to make sure that the policy is restoring to tidal action publicly-owned salt ponds rather than salt ponds generally. Is that correct?

Mr. McCrea responded: There is a series of tests in the salt pond policies. The first test is to keep them in production as salt ponds. The second goal is to buy them. And then it moves on into restoration and development.

Commissioner Nelson continued: I am just trying to make sure that this language actually captures the extent to which our policy is encouraging the restoration tidal action of all salt ponds or just those that are brought into public ownership?

Chief Planner Joe LaClair commented: The findings do acknowledge the benefits of restoring the salt ponds to habitat. Brad is correct in that the first policy encourages the ongoing operation of the salt ponds for salt production. The next policy encourages their acquisition by the public if they are not needed for salt production. And the third is restoration.

Commissioner Nelson continued his inquiry: This a creative solution to a slightly awkward position in that we may not complete our consistency determination to the deadline. I just want to make sure that in no way does this letter prejudice or shape what we may ultimately do in the consistency determination process.

Mr. McCrea answered: We have been very careful to try and craft language to achieve that.

Commissioner McGrath clarified: I am entirely comfortable with the change that is suggested because as we know, the salt ponds while not having natural value and perhaps not optimum value still have substantial habitat value while they are operating for salt ponds. In fact, for some species they are of higher value than restored wetlands. Finding that change or balance does not alter the fact that preserving those as salt ponds preserves a lot of substantial habitat.

Commissioner Pine commented: I think what I have heard staff say is that we have these three prongs and we do not put a higher value on any of the three. We have not taken a position in the Bay Plan as to whether restored ponds are more of a priority than maintaining existing ponds that are in operation. I think that is what you are saying. The Plan says, maintain working ponds, second, acquire them if they are not working and then three, restore ones in public ownership.

What I am trying to understand is, does the Plan emphasize any of those being more important than the other?

Mr. McCrea replied: The process starts that if they can be used they should be used. You start there. This is the first step in the process.

Commissioner Pine continued: What is our sense for whether the U.S. Army Corps will issue this Chief's Report by the end of the year?

Sediment Program Manager Brenda Goeden commented: I spoke with Tom Kendall who is with the Army Corps of Engineers about the Chief's Report. Their plan is to issue this report by the end of the year which will enable them in spring if WRDA goes forward to incorporate this project into the WRDA process, get authorization and then it has to be followed by appropriations.

Mr. Tom Kendall, Chief of Planning with the San Francisco District of the U.S. Army Corps of Engineers commented: That is the plan. It is all about managing perceived risks on the investment decision. Right now the word from our Washington headquarters is they would feel much better if we actually went beyond the letter. We are also proceeding on parallel paths to attempt to do the phased consistency review.

Everything is probably helpful. We would rather have the support letter than not have the letter. Basically, come December 15th which is our presumed deadline for signing the Chief's Report, we would present everything we have from the CZMA process to the decision makers in Washington and they would hopefully advise the Chief to sign the report.

The letter would be a helpful thing for that.

Acting Chair Halsted asked: Are there further questions? (She received no additional questions)

Is there a motion?

MOTION: Commissioner Pemberton moved approval of the staff recommendation, seconded by Commissioner Connolly.

VOTE: The motion carried with a roll call vote of 17-0-0 with Commissioners Addiego, Bates, Gibbs, Gioia, Pemberton, McGrath, Nelson, Pine, Randolph, McElhinney, Connolly, Vasquez, Techel, Caldwell, Ziegler, Zwissler and Acting Chair Halsted voting, "YES", no "NO", votes and no abstentions.

Acting Chair Halsted moved to Item 11.

11. Commission Briefing on El Niño. Acting Chair Halsted announced: Items 11, 12 and 13 are a series of briefings regarding potential storms and how we will handle emergency permits in response. First, will be a briefing by Rebecca Smyth of the NOAA on El Nino and implications for the Bay. Second, will be a briefing by Commissioner Sean Randolph of the Bay Area Economic Institute on the potential impacts of a mega-storm on the Bay Area; then, Brad McCrea will discuss the Commission's process to handle emergency permits.

Please hold your questions until the end of these three presentations.

Chief Deputy Director Goldbeck commented: With the current strong El Nino there is certainly a potential for very large storms coming to us this winter that could potentially ease some of the drought and/or could also cause very extensive damage.

As a marker for that, tropical cyclone Patricia just hit Mexico last month and had the strongest measured strength of any West Coast cyclone ever measured.

We thought it prudent to provide briefings on what might occur this winter and refresh you on your emergency permit process.

Rebecca Smyth is the West Coast Director of NOAA Office for Coastal Management. She will start things off with a briefing on El Nino and what it may bring to us.

At NOAA she works with both the weather side of the house and also the ocean service side of the house. She is well versed in this to talk to us. One admirable quality she brings to us is that she speaks in plain English.

Ms. Rebecca Smyth addressed the Commission: I am going to give you a brief overview of what El Nino is, what we are predicting for this year and then talk a little bit about the anticipated coastal impacts.

El Nino is already here. El Nino is a warming along the equatorial Pacific that sits off the west coast of South America. It changes weather patterns significantly. It also brings warm water and more weather to our side of the Pacific, the eastern Pacific.

It actually started setting up months ago. That is why we have had such an active cyclone season across the Pacific. So, it is already here.

This is a big El Nino. We have El Nino every few years. There are very few that are this big and this warm. We've only had six of this magnitude since the 50's when we started tracking them. Some of them bring drier weather to our part; some of them bring wetter weather. This El Nino does look a lot like the '82-'83 and the '97-'98 which brought wet weather for the entire state of California. This is the good news.

Right now we are not predicted to be any wetter than normal for the first phase of this El Nino. We are predicted to be warmer than usual. The same holds true for when we go into December, January and February as far as temperature is concerned. We do start getting chances of it getting wetter starting in December and through January and February.

And then February, March and April we have a very strong chance that it will be wetter and we will still be very warm. This is really key because this means two things.

This may fill up some of the reservoirs but it is not going to give us necessarily snow pack. So this may not be a drought buster.

It also means that when there are water events, the water is not going to stay in snow up in the Sierras. It will drain down the Delta which will influence the flooding through the Delta and the Bay.

These issues are very complex and we have gotten very familiar with the term, "atmospheric rivers". These are systems that come out of the sub-tropical Pacific. This is what determines whether we are in drought or not. On the average we get five to seven of these a year. The last four years we have gotten two.

El Nino does not influence this. We still do not know if we will have more or less atmospheric rivers. If we get a couple of atmospheric rivers on top of El Nino it will help us. The downside is that the more it helps us the more floods we get too.

Last year we predicted, based on the high tides, that there would be 11 flood days at the San Francisco tidal station and we got 11 flood days. This year they were predicting 12 thanks to the slow sea level rise.

Because of El Nino they are predicting 21. So why is there a difference? Because of the warmer water and the more water pushed in an El Nino this raises water levels along our coast. We are on track to have our everyday water levels raised, on average, about 10 inches.

Anything else will be on top of this.

Now we can track this against our King Tides. That is when we really get the floods. That is going to be the 21 days of flooding with no storms.

Our extreme tides are going to be during the week of Thanksgiving and the week of Christmas this coming year. That means that during those two weeks with El Nino water levels and the King Tides the water levels will be about two feet above average to start. If we get a storm during that timeframe that will be added to our water levels around the Bay.

We are not without tools to know where this may be impactful. There has been so much work on sea level rise; you can actually use these sea level rise models as proxies to understand what may happen.

The model that we are using is the COSMOS model that USGS put together. This shows you what happens with a 20 year storm if you are at about a foot and a half above normal.

What happened in South Carolina is another good proxy for knowing what is vulnerable. Low lying areas behind seawalls are what flooded.

Mr. Goldbeck announced: Now that you know the difference between El Nino and an atmospheric river our own Sean Randolph of the Bay Area Economic Institute is going to provide a briefing on what a mega-atmospheric river would do to the Bay Area and our economy.

12. Commission Briefing on Surviving the Storm. Commissioner Randolph presented the following: Last April the Institute released this report. It was occasioned by the fact that we all saw what happened with hurricane Katrina in New Orleans and then hurricane Sandy in the New York area in 2012. We started to think, could something like that happen here?

If it could happen here what would be the implications and if it could; how might we go about preparing for that?

The project was a collaborative one. We had many good people at the table. AECOM helped us with the engineering and modeling. We had various other companies help us with the economic analysis and the flooding scenarios. The Coastal Conservancy was a very active partner.

There is a history around the country of devastating floods. This is nothing terribly new. We know that with climate change the intensity and frequency of major weather events is growing. The U.S. and the world's coastal and delta regions are particularly vulnerable.

When we started into this the question came up, well, what about the drought? This was an awkward situation. We released this report in this room in April during the height of the drought.

People started to talk about rainfall. The media talks about, "average rainfall". There is no such thing as an average rainfall year. You can see from the graphs here that it is very volatile. We have very wet years and very dry years and the average is the average. But any one year is probably not going to be at the average because it can be either very wet or very dry.

According to a recent tree ring study the past three years have been the driest in 1,200 years in California. Since 1896 three of the wettest years in California have been over the last 30 years. We can go back and forth pretty radically.

The last mega-flood we had in the state was 1861 to 1862. It started in December of 1861 and went into February of 1862. A quarter of the state's economy was wiped out. The Central Valley was basically a lake. Officially the state of California went bankrupt.

It was an enormous event and these kinds of events on this scale historically, before we even kept records, occur about every 150 to 200 years. We are basically 150 years into what is a 150 to 200 year cycle for these things.

We estimated that there is about 350,000 plus residents and about 46.2 billion dollars in structures and their contents that are located within the region's 100-year floodplain as determined by NOAA.

What is the occasion in which this might happen? It would be an atmospheric river. They are not unfamiliar in California. As a result of rising tropical moisture it typically gets funneled toward the West Coast and there we are right in the middle of the crosshairs.

The earth's rotation causes these long bands of moisture that are propelled towards the West Coast.

We had to figure out what this theoretical storm would look like. It had to be realistic but not crazy. We looked at a storm with an approximate 150-year return period that would be like the big one in 1861 to 1862. We were looking at a storm that would last about 10 days; four to seven and as long as ten with variable rainfall during that period, with about 12 inches of rain happening.

We looked at a perfect storm scenario. We would have King Tides elevated at the Golden Gate. You can see areas that we feel would be vulnerable and under water in the event of this particular storm. Most of them are in low-lying areas around the Bay although not all of them are located around the Bay.

We looked at the potential damage of this event. Our best estimate, which is very conservative, was that there would be about 10.4, 10.5 billion dollars in economic damage coming from the event.

We were not trying to estimate every kind of cost, every kind of effect of the storm but only what we could measure in the near term. This was primarily in the form of the structural damage to buildings and their contents. This included delays related to suspended air traffic at the major airports, road delays on highways and the loss of electrical service.

We could not measure the loss of business activity and undoubtedly there would be loss of business activity if you cannot get to work, offices have to close. We did not try to measure that but this would push the numbers up even further.

As a scale of reference, \$10.4 billion is about the same scale of the economic damage we experienced here in the Bay Area in the Loma Prieta earthquake.

Our analysis does not include sea level rise. We just based our report on, if the storm came tomorrow or this year what would it look like? You can imagine if you put in the officially projected level of sea level rise for California over the next 10, 20 or 30 years or more; the additional impact that a major storm would have.

We also did not try to include anything that might happen in the Delta. We have a lot of water coming down from the rivers, from the Sierras through the Delta and if any of those major levees around the islands were to fail, that would up the costs tremendously because you have got the water elevated in the Bay, you have the high tides coming in, you have the water coming down from the Delta and lots of really nasty things would cause havoc.

The effects would be concentrated in three counties. All the region would be affected but the primary impacts would be in the low-lying areas, Santa Clara County primarily. There is a lot of economic value below sea level due to subsidence from ground water pumping over the years. San Mateo County would also be one of the primary areas affected. Marin County would also suffer major damage.

San Francisco would not be impacted quite as much because it has got a harder shoreline, it does not have wetlands and it is elevated. The effects would vary by county significantly but highly concentrated in the South Bay.

The report has a number of recommendations about how to prepare, what to think about and it includes not just Bay fronting properties but also upstream and creeks. If you figure that water level is up you have got water coming down from the surrounding hills and it meets the Bay and it cannot go into the Bay because water levels are up so it backs up streams and creeks and so we are looking at issues for flood management not just on the periphery of the Bay but also in some cases well inland.

Depending on where you are and depending on your geography there is a range of solutions from grade solutions to seawalls, hardening of the Bay to horizontal levees that BCDC has talked about to large-scale wetland restoration.

One of the first opportunities to do some of this will probably be the parcel tax that is expected to go on the ballot in June of 2016 that would be a regional measure for a \$12 per parcel tax that would go to the Bay Restoration Authority, primarily looking at the restoration of the South Bay salt ponds.

We think that this is a unique opportunity for the Bay Area because not every place in the world that is going to be vulnerable to this kind of event has what we have which is historical, large wetlands.

Wetlands if they are not drowned by sea level rise have the ability to absorb a lot of that water that is being driven toward the land. It is a great option that not everybody has.

There are pages of recommendations. It is all on the website with periodic updates on what is going on.

13. Commission Briefing on Emergency Permits. Mr. McCrea presented the following: Every fall your regulatory staff reminds itself of BCDC's emergency permit procedures. This year we are anticipating more calls for the reasons that you have just heard.

We need to talk about emergency permits and what an emergency is according to your regulations. BCDC's regulations state that, an emergency permit is a situation that poses immediate danger to life, health, property or essential public services. The regulations also describe it as a situation that demands action by the Commission more quickly than the Commission's normal permit procedures would allow.

And then the regulations go on to give you some examples of what an emergency is. It says; it is an accident, sabotage, vandalism, fire, flood, earthquake or landslide.

What an emergency is not is a perception or a concern that something might happen. To the BCDC staff an emergency is not a desire to do work or put something in place just in case something might happen. Those pre-emptive or precautionary projects can be handled through normal permit procedures.

Over the past 35 years or so the Commission has issued about 160 emergency permits. On average we issue about four per year.

During the 1997-98 El Nino we issued 12 emergency permits which is the most we have ever issued in a single year.

The regulations state that as far as the process goes, how do we handle them? The regulations state that applications for emergency permits shall be made by letter if time allows, a letter with a stamp on it.

But today, of course, we receive most of them by email and telephone. An application which usually comes in through an email must describe the nature of the emergency, identify the reason for the emergency, identify the location and the work proposed and then they usually include photographs and the names of local government contacts and property ownership documents and things like that.

All of this needs to get reviewed, analyzed and quickly acted upon.

After we get the email the staff then verifies the facts insofar as time allows; and if time allows, the Executive Director consults with the Chair before granting an emergency permit.

In the past the permits were usually granted verbally. We would pick up the phone and we would say, everything looks in order -- you are good to go. Today the approval is usually communicated not only via phone, but email for clarity and so there is no misunderstanding.

The Executive Director may grant an emergency permit with reasonable terms and conditions if he or she finds two things. One is that the emergency actually exists and requires action more quickly than can reasonably occur when following the Commission's normal procedures. And two, that the proposed work would be consistent with the Commission's laws, policies and regulations.

The turn-around time for the staff to grant this approval depends on the nature of the emergency. Sometimes it is practically immediate to three to four days.

Within five days after they receive the authorization, the permittee must do two things. One, they submit to us descriptive materials that are substantially similar to documentation required for administrative permits. And two, they submit a permit fee.

To summarize the typical process, we get contacted. An application is made via email with vital information. The staff verifies the facts. The Executive Director consults with the Chair. An email is sent approving the work. At that point the emergency permit is deemed issued. Then within five days the permittee submits descriptive materials and a permit fee.

The last thing I would like to point out is something I said at the beginning and that is: what is an emergency? We issue emergency permits for real emergencies. It is a very simple permitting process; so simple in fact, that we are careful to make sure that applicants do not take advantage of the process and try to take a shortcut to get approval for a project that would otherwise be handled by your normal procedures.

Therefore, and admittedly, sometimes we are skeptical and doubting when someone calls about their, "emergency". We are always fast, responsive and respectful. The decision process is supported by decades of practical experience as well as good judgment, common sense because real emergencies do happen and oftentimes several times a year.

For example, we did not hesitate when a salt pond levee suddenly began sinking because someone miscalculated the directional drilling operation below the levee. And we did not hesitate when a storm caused a sewer line to suddenly be exposed on a beach or when a railroad bridge was damaged by floods. And we certainly did not hesitate when the San Francisco International Airport called for emergency repairs to its runway when Asiana Flight 214 crash landed in the summer of 2013.

Those are real emergencies. And those are the types of projects for which we expedite review in processing. This concludes my presentation and we are happy to answer any questions.

Executive Director Goldzband added the following: Brad's list was really very well done. In general, what I always ask when I talk to staff about this is, are they going to build it back to the way it was before? Because that is one way you sort of understand how the process really works. You do not want something to be built that is different than the way it was before without there being a full-blown review by staff.

The second thing that we are really concerned about and starting to get more concerned about is the ability, encouragement or the possibility of maladaptation. That is, could project proponents use a storm in order to encourage the building of that which we would not otherwise approve because it does not actually encourage resilience or adaptation that is required by rising sea level.

Those are two sort of extra filters that we will be asking ourselves as we go through the winter.

Acting Chair Halsted asked: Does anyone from the public like to say something on this matter even though we do not have a public hearing scheduled for it? (She received no questions from the public).

Commissioner Gioia had a question on one of the slides: I had a question on the 10th slide on page five from NOAA. You said the average anomaly is 10 inches. Can you explain that? I understand the King Tides slides and you said that the water level would be two feet above average with the King Tides. Can you explain Slide 10?

Ms. Smyth explained: That is the maximum daily. On Slide 10 the baseline is what would be average.

Commissioner Gioia stated: So this is the normal tides. So you are taking the highest tide on that day and then layering over it the King Tide. So you are saying that there is a water level increase with El Nino even when there is not a storm.

Ms. Smyth replied: That is correct. Right now we are already about nine inches above water level. We are expecting maybe 10 to 12 this year because we are already at 10 which is an interesting proxy for your mid-century projections for sea level rise.

Executive Director Goldzband gave an additional explanation: Because of El Nino add 10 inches to the base elevation of the water you see out there. That is what has gone on now. Absent King Tides, absent regular tides, absent a storm; if you go around the Bay you will see that just on the natural the water is about nine to ten inches higher now than it was a year ago at this time.

Ms. Smyth added: And that is because it is warmer so it expands and El Nino pushes it this way as well.

Commissioner Gioia continued: So if you add that plus the King Tides is where you get the two feet and then layer on top of that a storm surge and it will take it above the two feet.

Commissioner Zwissler commented: I recall hearing that the perfect storm scenario was going to be a three foot scenario, another proxy of how to think about three feet. Is it actually now four feet with El Nino?

I am trying to understand the upper limits of two feet plus a storm scenario.

Commissioner Randolph responded: We were not including El Nino.

Commissioner Zwissler replied: So whatever you have on your maps, it is a foot low. Is that right?

Ms. Smyth answered: If we had a two foot storm today.

Commissioner Randolph clarified: It sounds like from what Becky is saying if you added in El Nino you would add another 10 inches or so.

Commissioner Zwissler further inquired: Do you have any sense of what that would do in terms of the impacts?

Commissioner Randolph answered: It would be material.

Ms. Smyth added: In some places it would potentially be significant and in others it would not. Again, some of the proxy sea level rise viewers help give you a sense of where that might happen.

Executive Director Goldzband stated: Remember, what Becky is saying about the proxy sea level rise viewer is you can look on the net and you can see maps of what would happen if sea level rose three feet or if sea level rose four feet. We are talking here about total water level.

As a result if you have 10 inches to 12 inches of El Nino and you have a regular tide which is maybe 10 to 12 inches and maybe you have a King Tide on top of that and maybe that is three feet total but there is no storm; you go to a sea level map that says three feet and you can pretty much gauge that this might be exactly what happens.

Commissioner Bates inquired about the Delta: What about the Delta and the situation of all this water dumped there? Sacramento is a huge floodplain. They could have all kinds of problems with the Delta itself which could be under siege and possibly see ruptures and all kinds of potential problems.

Ms. Smyth added: The Governor's Office on Monday did a series of meetings with FEMA, Cal OES and a number of other groups including the Ocean Protection Council and they broke it up into three.

One was coastal flooding. The next was landslides and the entire afternoon was spent on the Delta. There is concern about the Delta.

Commissioner Nelson stated that he is delving deeper into the "parade of horrors" being discussed: I am trying to make sure that I understand all of the different slices that add up to the total water level. We start with our regular tides, potentially adding a King Tide on top of that. Then we add what is essentially an El Nino surge analogous to a storm surge except that it is extended, right?

Ms. Smyth clarified: It is permanent right now. Throughout the entire season we will have the nine to ten inches from now until March or April.

Commissioner Nelson continued: We are accustomed to thinking about storm surges and what that means. So, given that normal because of El Nino is substantially higher, do we then add another slice of rise from storm surges on top of that?

Ms. Smyth answered: Yes. Our goal is to not have a storm during a King Tide (laughter from all). I cannot promise that from the weather service but I'll see what I can do.

Commissioner Nelson added: There is a peculiar piece of news here. The precipitation outlook that you shared with us shows that there is a greater likelihood of a wet season in southern California than in northern California. This means that there is a greater flooding risk in southern California but this presents us with a conundrum here because then there is a risk that if we wind up in that intervening odds, southern California is wet and it may not be wet up here which is where our reservoirs and snowpack are.

Ms. Smyth added: And that is why NOAA and the state are being very careful to message that this is not going to be what breaks the drought. There are other factors that could help that are not connected to El Nino. There is no guarantee at the end of this season that we will not still be in drought.

Commissioner McGrath commented: The current direction of El Nino would tend to focus moisture in southern California. The water is really warm and it is really warm in southern California. There are two populations of storms that are going to visit us. One is storms that are generated in the Gulf of Alaska. In '83 we had six of those that coincided with high tides and three feet of storm surge which is why the damage was tremendous and the fetch was 6,000 miles.

That is different than an atmospheric river event. I know that atmospheric river events are generated by different meteorological phenomena and they may or may not occur. What I am wondering is that with the track with the way it is and what Commissioner Randolph's picture showed would the El Nino tend to steer an atmospheric river type of storm north of the El Nino currents and more into northern California?

Ms. Smyth answered: I am not a meteorologist so I cannot answer that. I have not heard any of our weather service people say that. They tend to be disconnected. This is my understanding but we would have to ask the weather service.

Commissioner Pemberton had a question on emergency permit regulations: I was just wondering when those regulations were promulgated?

Mr. McCrea replied: Commissioner Pemberton I do not have that at my disposal but we will get that answer for you.

Acting Chair Halsted inquired: My question has to do with beyond emergency permits but early warning systems for the general public. What are we doing other than what you put before us to not give emergency permits but to be prepared to some degree?

Mr. McCrea replied: Well, if your question has to do with being prepared for the slides we have seen today then there is some information that BCDC has or can put on its website. However, people will probably not go to our website for that information.

I have been thinking about the conversations we have had today and how that should be spread far and wide so people can apply for their permits now so that they are prepared through the normal processes as opposed to coming in after something happens.

With regards to emergency permits, we are crafting a one page application to put on our website and that will be up this month. When an emergency occurs they can go to our link, access the emergency permit application and know what questions to submit. It is just a way to streamline that process.

Acting Chair Halsted continued: On the larger question of the map that we saw of the flooding potential; how does that get broadcast to people in areas of responsibility?

Executive Director Golzband replied: MTC knows all about this because FEMA and Cal OES know all about this. FEMA and Cal OES have moved this information down to each one of your counties. Your county OES emergency services people know all about this.

The thing that the counties and cities really need to work on is preparing the creeks and riverbeds that you have and to clear them and to get all that stuff out there so that we can have as much throughput as we possibly can get.

The ways the emergency services stuff really works is that it goes down to the counties ultimately to the cities and so on and so forth. I would imagine that is not a county supervisor here who has not had a briefing from their local emergency management folks saying, here is what we are expecting.

Commissioner Nelson had a question for Mr. McCrea: You mentioned that we have issued 160 permits and that you had procedures to try and make sure that we avoided abuse of that permit system. Does that mean you very frequently deny emergency permits?

Mr. McCrea replied: No. The process for denying an emergency permit is telling them that we do not think that there is an emergency. The way this works is usually people call. Then they explain that erosion is happening. We get into it and realize that this is not immediate danger to life or property and that it is not an emergency. We explain that we disagree. At that point an application is not made.

One could argue whether or not the phone call itself is an application and there should be a process for denying it.

We issue four per year. Usually they are real emergencies. People do not usually bother calling us when they are not real emergencies. The incidence of denying emergency permits does not really come up that often.

Commissioner Nelson added: So denying is working with potential applicants to understand whether they qualify or not. And generally if they do not, they do not apply.

Mr. McCrea agreed with Commissioner Nelson: Sometimes you are right. It is more of an inquiry as much as anything else.

Mr. Goldbeck added: Usually they will then submit a regular permit application. I just looked into our regs and the last time our emergency regs were amended was in 1987.

Commissioner Pemberton asked: Are the regulations or procedures for applying for an emergency permit on the website?

Mr. Goldbeck replied: You can get to our regulations from our website. We do not have a section on our regular website saying, applying for emergency permit.

Commissioner Zwissler commented: A month or so ago we had that giant hurricane Patricia down in Baja. Is there a scenario where we could see a hurricane on the West Coast?

Ms. Smyth replied: I would have to talk with the meteorologists. I do know that during El Ninos we do tend to get the remnants of the tropical cyclones.

Commissioner Pine commented: It sounds like you will try to get something on the web for emergency permits so we can easily access it. I thought I heard Brad say that there is a one-pager that you are working on. Perhaps you could get that out to us.

Executive Director Goldzband replied: We will.

Acting Chair Halsted asked: Are there further questions? (She received no further questions) We encourage you to keep us up to date on this. This is the end of our business for the day. Is there a motion to adjourn?

14. Briefing on California WaterFix. This item was postponed.

15. Briefing on ART Portfolio. This item was postponed.

16. Adjournment.

Upon motion by Commissioner Nelson, seconded by Commissioner McGrath, the Commission meeting was adjourned at 2:34 p.m.

Respectfully submitted

LAWRENCE J. GOLDZBAND
Executive Director

Approved, with no corrections, at the
San Francisco Bay Conservation and
Development Commission
meeting of December 17, 2015.

R. ZACHARY WASSERMAN, Chair

BCDC MINUTES
November 5, 2015